

**Evidentiary Protocol**  
**Judge Harner's Courtroom 9-C in Baltimore**  
(as of August 2023)

Any party intending to submit exhibits in an evidentiary hearing or trial before Judge Harner in Courtroom 9-C in Baltimore shall follow the procedures outlined below. The Court may, on its own initiative or on the request of a party, excuse a party from complying with these procedures. Any request by a party to be excused from these procedures must be filed with the Court prior to the exhibit submission deadline in the contested matter or adversary proceeding. All questions concerning this Protocol should be submitted to Judge Harner's Courtroom Deputy, Anna Marie Komisarek, at [hearings\\_mmh@mdb.uscourts.gov](mailto:hearings_mmh@mdb.uscourts.gov).

## **1. Submitting Exhibits**

### **General Requirements:**

- a. All exhibits (other than any rebuttal evidence, which may be submitted during the course of the hearing as directed by the Court) must be filed on the Court's docket **by the close of business on October 2, 2023**, or *by the exhibit submission deadline imposed in the particular contested matter or proceeding*.
- b. A list of exhibits that complies with the identification scheme of this Protocol also must be filed on the Court's docket **by the close of business on October 2, 2023**, or *by the exhibit submission deadline imposed in the particular contested matter or proceeding*.
- c. Any objections to exhibits must be filed on the Court's docket **by the start of the hearing on October 3, 2023, at 10:00 a.m.**, or *by the exhibit submission deadline imposed in the particular contested matter or proceeding*. *Any exhibits not objected to in writing by the submission deadline may stand as admitted into evidence.*

### **Specific Requirements:**

- d. Exhibits shall be filed on the Court's docket and *shall begin with the exhibit list identifying each exhibit by number pursuant to the identification scheme described below*. An example of an acceptable exhibit list is as follows (note, the last three columns should be left blank and are for the Court's use):

<b>Exhibit No.</b>	<b>Description</b>	<b>Offered</b>	<b>Objection</b>	<b>Admitted</b>
P01	Agreement			
P02	Amendment No. 1			
P03	Letter			

- e. Each exhibit shall be labeled by exhibit number, shall include sequential page numbering, and *shall be saved as a separate PDF as an attachment to the exhibit list.*

## 2. Exhibit Identification Scheme

- a. Plaintiff's and defendant's exhibits must follow a specific alpha-numeric naming scheme.
  - P01 Plaintiff's exhibit No.1
  - P25 Plaintiff's exhibit No.25
  - D01 Defendant's exhibit No.1
- b. Additional parties, including any additional plaintiffs, should use separate letters in their alpha-numeric naming scheme.

*Examples:*

- G01 Government's exhibits
- S01 Additional Plaintiff - Smith's exhibits
- T01 Additional Defendant - Taylor's exhibits
- M01 Movant's exhibits
- R01 Respondent's exhibits

## 3. Using Exhibits in Court

- a. Unless otherwise ordered by the Court, the parties and the Court will use the exhibits filed on the Court's docket during the course of the contested matter or proceeding. No paper exhibits will be used, unless specifically authorized by separate Court order on the docket or oral ruling during a contested matter hearing or proceeding trial.
- b. Each party must submit to the Clerk's office **by the close of business on October 2, 2023**, an unencrypted, non-password-protected USB drive (i.e., thumb drive) containing copies of pre-filed exhibits downloaded from Pacer and shall include the following pre-stamped header information: the case number, document number, filed date, and page numbers.
  - 1. Each exhibit shall be labeled by exhibit number, shall include sequential page numbering, and *shall be saved as a separate PDF.*
  - 2. USB drives should be labeled with the following information: Case Number, Case Name, and Party submitting the device.
  - 3. USB drives will be returned to parties at the conclusion of the hearing or trial.
- c. Parties will be responsible for displaying its exhibits on a court issued laptop during the course of the contested matter or proceeding unless the Court otherwise directs prior to the start of the hearing or trial.
- d. To the extent any discrepancy exists between a pre-filed exhibit on the Court's docket and a document included on a party's USB drive, the exhibit on the Court's docket controls.

## 4. Witnesses

- a. A witness list must be filed on the Court's docket **by the close of business on October 2, 2023**, or *by the submission deadline imposed in the particular contested matter or proceeding.*